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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,981	06/29/2001	Paul M. Cohen	219.40063X00	6159
23838	7590	06/30/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			SURYAWANSHI, SURESH	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,981

Applicant(s)

COHEN ET AL

Examiner

Suresh K. Suryawanshi

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The execution of instructions could be done on a piece of paper. Claims do not say that a computer or a machine executes the stored instructions.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 4-6, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al (US Patent No 6,526,516 B1; herein after Ishikawa).

6. As per claim 4, Ishikawa discloses a computer system, comprising:

a plurality of computers, each computer having a power requirement [Fig. 8 and 12; col. 26, lines 38-41];

a power supply to supply power to said plurality of computers, said power supply having a known power capacity [Fig. 8 and 12; col. 6, lines 5-6; col. 6, line 64 -- col. 7, line 3];

a power monitor to monitor the total power requirement of said plurality of computers [Fig. 8 and 12; col. 11, lines 62-67; controller]; and

a power controller responsive to a request for power from an additional computer, resulting in a new total power requirement, to determine whether the new total power requirement exceeds the known power capacity, and responsive to the new total power requirement exceeding the known power capacity to cause said power supply to continue to provide the total power requirement of said plurality of computers and to provide only standby power to said additional computer [Fig. 8 and 12; col. 11, line 55 -- col. 12, line 24; new device stays in sleep mode if the controller determines that the system cannot fulfill the new total power requirement].

7. As per claim 11, Ishikawa discloses a process of controlling power supplied to a plurality of computers [Fig. 8 and 12], said process comprising:

determining the power available [col. 10, lines 55-64];

monitoring the total power requirement of a plurality of computers [col. 10, line 55 -- col. 11, line 10];

in response to detection of a request for power from an additional computer, determining the new total power requirement [col. 11, line 55 -- col. 12, line 15]; and

when the power available is less than the new total power requirement, continuing to provide the total power requirement of the plurality of computers and providing only standby power to the additional computer [col. 11, line 55 -- col. 12, line 24; new device stays in sleep mode if the controller determines that the system cannot fulfill the new total power requirement].

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8. As per claim 14, Ishikawa discloses an article, comprising a storage medium having instructions stored thereon, the instructions when executed controlling power supplied to a plurality of computers by determining the power available [col. 26, lines 42-47];

monitoring the total power requirement of a plurality of computers [col. 10, line 55 -- col. 11, line 10];

in response to detection of a request for power from an additional computer, determining the new total power requirement [col. 11, line 55 -- col. 12, line 15]; and

when the power available is less than the new total power requirement, continuing to provide the total power requirement of the plurality of computers and providing only standby power to the additional computer [col. 11, line 55 -- col. 12, line 24; new device stays in sleep mode if the controller determines that the system cannot fulfill the new total power requirement].

9. As per claim 5, Ishikawa discloses that one of said computers is a server [col. 26, lines 38-41].

10. As per claim 6, Ishikawa discloses that a computer rack having said plurality of computers, said power supply, said power monitor, and said power controller therein [Fig. 12; col. 26, lines 38-41].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 7-10, 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al (US Patent No 6,526,516 B1; hereinafter Ishikawa) in view of Schmutz (US Patent No 6,477,388 B1¹).

13. As per claims 1, 7, 10, 12-13 and 15, Ishikawa discloses a computer system, comprising:

a plurality of computers, each computer having a power requirement [Fig. 8 and 12; col. 26, lines 38-41];

a power supply to supply power to said plurality of computers, said power supply having a known power capacity [Fig. 8 and 12; col. 6, lines 5-6; col. 6, line 64 -- col. 7, line 3];

a power monitor to monitor the total power requirement of said plurality of computers [Fig. 8 and 12; col. 11, lines 62-67; controller].

Ishikawa does not expressly disclose responsive to the new total power requirement exceeding the known power capacity to cause the power supply to reduce the power supplied by the power supply to each computer and to provide the additional computer with less power than indicated in the request for power. In another words, Ishikawa does not forcibly reduce the power supplied by the power supply to each device. However, Schmutz explicitly teaches the reduction of power to each of the powered devices when the power supply fails to meet the total power requirement due to the failure of a portion of the power supply system [col. 8, lines 44-60; col. 11, lines 50-54; col. 5, lines 1-6]. In summary, Schmutz reduces the power supply to each of the powered devices when the power supply fails to meet the total power requirement. The specific cause of the failure² does not affect the power reduction process to all the powered devices in order to meet the current power requirement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed to supply power to a plurality of devices connected to a power source in a control manner to prevent an inadvertent interruption in supply of power. Moreover, clearly the invention of Ishikawa will be benefited with the knowledge of Schmutz to reduce the power to all the powered devices when there is insufficient power to power the new device even after reducing the power thereof to the minimum level. In this case, one would be able to power the new device regardless of the power supply conditions³.

¹ Prior art cited by the examiner in the prior office action.

² The failure can be caused by the failure of a portion of the power supply network or the new total power demand exceeds the power supply capacity.

³ The system would provide power at the requested level, the maximum available power level, at the minimum level [Schmutz; col. 13, lines 6-10], at the minimum level and reduced power to all other powered devices.

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14. As per claims 2 and 8, Ishikawa discloses that one of said computers is a server [col. 26, lines 38-41].

15. As per claims 3 and 9, Ishikawa discloses that a computer rack having said plurality of computers, said power supply, said power monitor, and said power controller therein [Fig. 12; col. 26, lines 38-41].

Conclusion

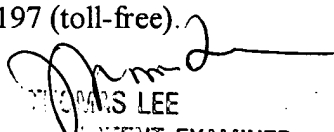
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks

June 24, 2005


THOMAS LEE
PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2100

³ The system would provide power at the requested level, the maximum available power level, at the minimum level [Schmutz; col. 13, lines 6-10], at the minimum level and reduced power to all other powered devices.